

**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE  
SECURITIES AND CHARITIES DIVISION**

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**IN THE MATTER OF:**

**BROTHERS AND SISTERS OF THE LIGHT  
118 College Drive  
Hattiesburg, Mississippi 39406-0001**

**Respondent**

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**Administrative Proceeding  
Number C-09-0155**

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**SUMMARY CEASE AND DESIST ORDER AND NOTICE OF  
INTENT TO IMPOSE ADMINISTRATIVE PENALTY**

COME NOW Tanya G. Webber, Assistant Secretary of State for the Securities and Charities Division of the Mississippi Office of the Secretary of State (“Division”), on behalf of Secretary of State C. Delbert Hosemann, Jr. and issues this Summary Cease and Desist Order and Notice of Intent to Impose Administrative Penalty against Respondent Brothers and Sisters of the Light (“BSOL”) for violating provisions of the Mississippi Charitable Solicitations Act (“Act”), Miss. Code Ann. Sections 79-11-501 *et. seq.* In support thereof the Division respectfully submits as follows:

**JURISDICTION**

The Act gives authority to the Secretary of State to regulate “charitable organizations” that use a charitable appeal in soliciting contributions in or from the State of Mississippi.

BSOL is a student organization on the campus of the University of Southern Mississippi that holds itself out as being a nonprofit organization with the purpose of

helping the community. While performing fundraisers and soliciting, BSOL was using a charitable appeal as the basis for solicitation. For this reason, the entity falls within the Act's definition of "charitable organization" and is subjected to the regulatory authority of the Secretary of State.

### **FINDINGS OF FACT**

On February 28, 2009, the Division received a complaint regarding the activities of BSOL. After a preliminary investigation into the organization, the following violation of the Act was noted:

BSOL was not registered as a charitable organization with the Division in violation of Miss. Code Ann. Section 79-11-503. After receiving the complaint on BSOL and determining that BSOL was not registered with the Division, a letter was delivered to the organization informing it that it was not registered. The letter also indicated where BSOL could get registration forms and then requested that BSOL contact the office to receive a list of records that the Division needed to review. Despite phone calls and several attempts to get these records, currently BSOL still has not provided the records to the Division or completed registration.

### **APPLICABLE LAW**

1. Miss. Code Ann. Section 79-11-501(a)(i)(B) defines a charitable organization as either of the following:

(A) Any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or

(B) Any person actually or purporting to be established for any voluntary health and welfare, benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other eleemosynary

purpose or for the benefit of law enforcement personnel, fire fighters, or other public safety organizations, or any person employing in any manner a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation and includes each local, county or area division within this state of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization.

Based on the definitions above, BSOL is a charitable organization subject to registration and regulation by the Division.

2. Miss. Code Ann. Section 79-11-503 states that prior to any solicitation of contributions, every charitable organization which solicits or intends to solicit shall file a registration statement with and pay a filing fee of Fifty Dollars (\$50.00) to the Secretary of State.

3. Miss. Code Ann. Section 79-11-509 states that whenever it appears to the Secretary of State that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, he may, in his discretion, seek the following remedies in addition to other remedies authorized by law:

(a) Issue a cease and desist order, with or without a prior hearing against the person or persons engaged in the prohibited activities, directing them to cease and desist from further illegal activity; or

(b) Issue an order in the case of a registered charity, professional fund-raiser or solicitor, or other person who violated this chapter, imposing an administrative penalty up to a maximum of Twenty-five Thousand Dollars (\$25,000.00) for each offense, each violation to be considered as a separate offense in a single proceeding or a series of related proceedings;

(c) For the purpose of determining the amount or extent of a sanction, if any, to be imposed under subparagraph (b) of this



section, the Secretary of State shall consider, among other factors, the frequency, persistence and willfulness of the conduct constituting a violation of this chapter or a rule promulgated thereunder or an order of the Secretary of State, the number of persons adversely affected by the conduct, and the resources of the person committing the violation.

### **CONCLUSIONS OF LAW**

The previous paragraphs are incorporated herein by reference.

Pursuant to Miss. Code Ann. Section 79-11-503, prior to any solicitation of contributions, every charitable organization which solicits or intends to solicit contributions shall file a registration statement and pay a filing fee to the Secretary of State. After reviewing the Division's records, it was determined that BSOL is not registered with the Division even though it has been soliciing contributions through fundraisers for many years. BSOL is therefore in violation of this provision.

Pursuant to Miss. Code Ann. Section 79-11-509 (4), whenever it appears to the Secretary of State that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order, he may issue a cease and desist order.

### **NOTICE OF INTENDED ACTION**

As provided in Miss. Code Ann. Section 79-11-509, the Secretary of State intends to take the following action:

- A. Order Respondent to Cease and Desist from further illegal activity in the State of Mississippi.
- B. Impose an administrative penalty of up to Twenty-Five Thousand Dollars (\$25,000.00) for each offense against each Respondent—with each violation to be

considered a separate offense in a single proceeding—taken in violation of Miss. Code Ann. Sections 79-11-501 *et. seq.*

This order shall remain in effect until further directive of the Secretary of State.

### **PUBLIC INTEREST**

The actions taken and proposed to be taken herein by the Secretary of State are in the public interest and are consistent with the purposes set forth in Miss. Code Ann. Sections 79-11-501, *et. seq.*

### **AMENDMENTS**

The Division reserves the right to amend this Summary Cease and Desist Order and Notice of Intent to Impose Administrative Penalty.

### **RIGHT TO AN ADMINISTRATIVE HEARING**

An administrative hearing may be requested in this matter. NOTICE is hereby given that Respondent has thirty (30) days from the date of receipt of this Summary Cease and Desist Order and Notice of Intent to Impose Administrative Penalty to provide written notice of its request for an administrative hearing to Tanya G. Webber, Assistant Secretary of State, Securities and Charities Division, Office of the Secretary of State, Post Office Box 136, 700 North Street, Jackson, Mississippi 39205-0136.

If such hearing is requested, written notice of the date, time and place of such hearing, as well as a designation of the Hearing Officer, will be provided to all parties via certified mail, return receipt requested. Respondent may appear at the hearing with or without the assistance of counsel. Respondent will have the right to cross-examine witnesses and present testimony, evidence and argument relating to the matters contained

herein. Upon request, subpoenas may be issued for the attendance of witnesses and for the production of books and papers on Respondent's behalf.

In the event such written notice for a hearing is not received within thirty (30) days, a FINAL CEASE AND DESIST ORDER AND ORDER IMPOSING ADMINISTRATIVE PENALTY may be entered in this proceeding without further notice.

### **ORDER**

IT IS, THEREFORE, ORDERED AND ADJUDGED, pursuant to the authority set forth in Miss. Code Ann. Sections 79-11-501 *et. seq.*, that Respondent shall immediately CEASE AND DESIST FROM ANY FURTHER ILLEGAL ACTIVITY IN, OR ORIGINATING FROM, the State of Mississippi in connection with solicitations of charitable contributions.

ISSUED, this, the 31<sup>st</sup> day of August, 2009.

C. DELBERT HOSEMANN, Jr.  
Secretary of State  
State of Mississippi

By:



TANYA G. WEBBER  
Assistant Secretary of State  
Securities and Charities Division

**CERTIFICATE OF SERVICE**

I, Tanya G. Webber, do hereby certify that I have this day mailed a true and correct copy of the above and foregoing document, via certified mail postage pre-paid, to the following:

Brothers and Sisters of the Light  
University of Southern Mississippi  
c/o Renee Moye, Advisor  
118 College Drive  
Hattiesburg, MS 39406-0001

Mr. Marcus A. Carr, President  
Brothers and Sisters of the Light  
17 Wildwood Trl #21  
Hattiesburg, MS 39402

This the 31<sup>st</sup> day of August, 2009.



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TANYA G. WEBBER  
Assistant Secretary of State  
Securities and Charities Division